



Press Release

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**Ranking Member, U.S. House Judiciary Committee
Dean, Congressional Black Caucus**

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Conyers Calls For Passage of “Private Property Rights Protection Act”

WASHINGTON, DC – Congressman John Conyers, Jr. issued the following statement today regarding H.R. 4128, the Private Property Rights Protection Act of 2005.

“This legislation was introduced in response to the Supreme Court’s decision in Kelo v. City of New London in June 2005. The Court’s decision in Kelo shocked and outraged most Americans. If state and local governments can transfer property from one private owner to another based on their judgment of which uses will produce the most taxes and jobs, *no one’s* property is safe.

Increasingly, governments across this country are taking private property for public use in the name of “economic development.” Under the guise of economic development, private property is being taken and transferred to *another private owner*, so long as the new owner will use the property in a way that the government deems more beneficial to the public.

In fact, in my district of Detroit, Michigan, we have faced the same kinds of issues that arose in the Kelo case. In the infamous 1981 Poletown decision (410 Mich. 616 (1981)), the Michigan Supreme Court allowed the City of Detroit to bulldoze an entire neighborhood, complete with more than 1,000 residences, 600 businesses, and numerous churches, in order to give the property to General Motors for an auto plant. That case set the precedent, both in Michigan and across the country, for widespread abuse of the power of eminent domain. In Detroit, eminent domain was subsequently used to make way for casinos.

Fortunately, the Michigan Supreme Court reversed its decision in Poletown in July 2004 (County of Wayne v. Hathcock, 471 Mich. 445 (2004)). However, citizens in most other states have not been afforded this same protection and have witnessed an increase in takings for economic development post-Kelo.

As a result, a federal legislative response to Kelo is warranted and I am pleased to take up such a response with my friends on both sides of the aisle today.

The Private Property Rights Protection Act will afford our citizens with greater protections against government forced takings for private development. First, state and local governments will no longer be able to exploit eminent domain for private development without consequence. Second, a more traditional view of “*public use*” is advanced so that we protect property interests, as well as meet contemporary challenges. And third, we set an example for states and cities as to how our citizen’s property rights must be protected.

This legislation is very clear and states in no uncertain terms that state and local governments will lose economic development funding if they take someone’s home or business for private commercial development. Homeowners can also bring suit against those states and cities that want to continue violating their property rights. We are making the financial gains that come with replacing residential areas with commercial districts less attractive.

This legislation also advances a more traditional view of “*public use*.” By restricting the use of eminent domain powers for economic development, we reserve those powers for projects that have traditionally been considered a public use. We can justify a state or city’s taking when that taking is for a road, a school, or a public utility, but we can’t agree with a state or city’s taking when it is done for private uses like condominiums and shopping malls.

Finally, states and cities must make it their priority to protect the property rights of their citizens. We all must act to further the Constitutional guarantees provided by the Takings Clause

of the Fifth Amendment - that “private property shall not be taken for *public use*, without *just compensation*.” It is important to point out that the Majority admitted that state courts are free to interpret their own provisions in a manner that’s more protective of property rights. Today, as we advance the Private Property Rights Protection Act, we encourage them to do so.”